IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22978 of 2004

Between:

Smt. Y. Sarada Devi, W/o. Late Y.A. Rama Rao,
R/o. Plot No. 274/A MLAs Colony, Road No. 12, Banjarahills,
Hyderabad.

..... PETITIONER

AND

1 The Commissioner of Police, Hyderabad.
2 The Station House Officr, Banjarahills, P.S., Hyderabad.
3 Smt. J. Hymavathamma, W/o. Late J. Yagananarayana,
R/o. Rail pet, Guntur.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue writ or direction preferably writ of mandamus declaring the inaction of the respondent No.2 police in providing protection to the petitioner in view of 3rd respondent and her followers are trying to evict the petitioner by force from the house bearing plot No. 274/A situated at M.L.As colony, road No.12, Banjarahills, Hyderabad as illegal, arbitrary, and violative of principles of natural justice and consequently direct the respondents 1 and 2 to take appropriate action by providing protection to the petitioner in the light of her complaint dt. 8.12.2004.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent Nos.1 and 2: GP FOR HOME

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a direction to the respondents 1 and 2 to accord protection to the petitioner.

It is alleged that at the instance of the 3rd respondent, the petitioner is sought to be evicted from the house bearing plot No.274/A situated at M.L.As. colony, Road No.12, Banjarahills, Hyderabad.

The relief claimed by the writ petitioner is almost in the form of temporary injunction. The writ petition cannot be maintained for such reliefs. The petitioner claims to have filed O.S.No.4451 of 2002 on the file of VI Junior Civil Judge, City Civil Court, Hyderabad in respect of the same land. If that be so, she can pursue her remedies in the suit.

Hence, this writ petition is dismissed leaving it open to the petitioner to work out her remedies in the pending suit or by instituting any other proceedings in any appropriate Court of law. There shall be no order as to costs.

_____ (L. NARASIMHA REDDY, J.)

10th December, 2004.

Bcj

To

1 The Commissioner of Police, Hyderabad.
2 The Station House Officr, Banjarahills, P.S., Hyderabad.
3 Two C.Cs. to the Government Pleader for Home, High Court Buildings, Hyderabad (OUT)

4 Two C.D. copies